

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAC-WEST DISTRIBUTING NV LLC,	:	
<i>Plaintiff</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
AFAB INDUSTRIAL SERVICES, INC.,	:	
et al.,	:	No. 19-3584
<i>Defendants</i>	:	

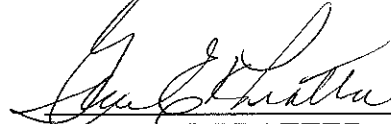
ORDER

AND NOW, this 10th day of March, 2022, upon consideration of AFAB and Mr. Farr's Answer, Affirmative Defenses, and Counterclaims to Pac-West's First Amended Complaint (Doc. No. 61), AFAB and Mr. Farr's Amended Counterclaims (Doc. No. 68), Pac-West's Partial Motion to Dismiss AFAB/Farr's Counterclaims (Doc. No. 64), AFAB and Mr. Farr having not opposed the Motion, and this Court having held oral argument on October 12, 2021, it is hereby **ORDERED** that the Motion (Doc. No. 64) is **GRANTED** and AFAB/Farr's Amended Counterclaims are partially **DISMISSED** as follows, for the reasons set forth in the accompanying Memorandum:

1. The portions of Count VI (No Lawful Use in Commerce) based on the trademarks for RUSH, PWD, SUPER RUSH, POWER-PAK PELLET, and NEVER FAKE IT! (the "Previously Litigated Trademarks") are **DISMISSED** with prejudice;
2. The portions of Count VII (Abandonment) based on the Previously Litigated Trademarks are **DISMISSED** with prejudice; and

3. The portions of Count VIII (Fraud) based on the Previously Litigated Trademarks are **DISMISSED** with prejudice.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", is written over a horizontal line.

GENE E.K. PRATTER

UNITED STATES DISTRICT JUDGE